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ABELMAN, FRAYNE & SCHWAB
666 Third Ave., 10th Floor
New York NY 10017-5621

COPY MAILED

JUN 07 2007

In re Application of
JARALLA

Application No. 10/533,490
Filed: April 28, 2005
Attorney Docket No. 206,973

OFFICE OF PETITIONS

DECISION DISMISSING
PETITION UNDER 37 CFR 1.10(c)

This is a decision on a renewed petition filed March 19, 2007, which is properly treated as a petition under 37 CFR 1.10(c) requesting that the submission of the issue and publication fee payments and the formal drawings for the above-identified application be considered as filed on January 3, 2007, instead of the currently accorded filing date of January 4, 2007.

The petition is **DISMISSED**.

Any request for reconsideration of this decision should be filed within **TWO MONTHS** of the date of this decision in order to be considered timely (see 37 CFR 1.181(f)). No extensions of time pursuant to the provisions of 37 CFR 1.136 are permitted. If reconsideration is not requested within the time period specified above, this submission of the issue fee payment for the application will be referred to Office of Publications with the presently accorded filing date of January 4, 2007.

37 CFR 1.10(c) sets forth procedures for filing a petition to the Director for a filing date as of the date of deposit with the USPS, where there is a discrepancy between the filing date initially accorded by the Office and the "date in" entered by the USPS or other official USPS notation.

To be grantable, a petition must:

- (1) be filed promptly after the person becomes aware that the Office has accorded, or will accord, a filing date other than the USPS deposit date;
- (2) include a showing that the number of the "Express Mail" mailing label was placed on each piece of correspondence prior to the original mailing; and
- (3) include a true copy of the "Express Mail" mailing label showing the "date in" or other official notation by the USPS.

This petition lacks item (2) above.

Petitioner alleges that the payment of the issue and publication fees and drawings were deposited with the United States Postal Service on January 3, 2007 using Express Mail Service. In support, the petition is accompanied by a copy of Express Mail receipt No. ER 059677689 US showing a round stamp of January 3, 2007. The same Express Mail number is found on the fee transmittal sheet itemizing payment of the issue and publication fees and the postcard receipt itemizing a cover letter, an issue fee transmittal, formal drawings (4 pgs) and a check for \$1700 (which includes the issue and publication fees). Additionally, the previous petition included a letter from a United States Postal Service Customer Service Supervisor, Philip Grant, of the Grand Central Station Post Office stating, "[t]he date postmarked on your copy of the Express Mail receipt is our confirmation of receipt for that date, which is the "date in" prior to the last scheduled pickup . . . If the Express Mail piece is received before the close of business on a particular day it may show a processing date of the next day in the tracking system. This should not be considered as the official "date-in" of receipt at the Post Office. The official "date-in" receipt is the date [p]ostmarked in the round stamp on your customer copy." Lastly, Petitioner has supplemented the record with an official correspondence from the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office, entitled, "Closing of the United States Patent and Trademark Office on Tuesday, January 2, 2007." This correspondence clarifies that the Office was not open on January 2, 2007, and as such, "[a]ny action or fee due on Tuesday, January 2, 2007, will be considered as timely for purposes of, e.g., 35 U.S.C. §§ 119, 120, 133, and 151, if the action is taken, or the fee is paid, on the next succeeding business day on which the USPTO was open, that is, Wednesday, January 3, 2007." Thus, a January 3, 2007 submission to requirements of the Notice of Allowance and Allowability mailed October 2, 2006 will be considered timely.

Based on the evidence provided, petitioner has not made a convincing showing that the four pages of formal drawings were deposited as "Express Mail" with the U. S. Postal Service on January 3, 2007. As stated above, the fee transmittal sheet did include the Express Mail number label itemizing the issue and publication fees and is considered as filed on January 3, 2007. However, the postcard receipt is fugitive evidence that is not part of the official USPTO record for this application. Petitioner overlooks that he is not requesting a filing date for the postcard receipt of January 3, 2007; he is asking for a filing date of January 3, 2007 for the above-identified submission of formal drawings that, simply put, did not have Express Mail Label No. ER 059677689 US affixed thereon. In order to obtain the remedial benefits of 37 CFR 1.10, petitioner had to comply with the requirements of 37 CFR 1.10(c)(2) for the correspondence in question; and the postcard receipt is not that correspondence.

Moreover, MPEP 513(III) states,

[t]o be effective, the number must be placed on each separate paper and each fee transmittal either directly on the document or by a separate paper firmly and securely attached thereto. In situations wherein the correspondence includes several papers

directed to the same application (for example, the specification, drawings and declaration for a new application), the correspondence may be submitted with a cover or transmittal letter which should itemize the papers. It is not necessary that the number be placed on each page of a particular paper or fee transmittal. Merely placing the number in one prominent location on each separate paper or fee transmittal (or cover sheet or transmittal letter which should itemize the separate papers and fees) will be sufficient.

A review of the file does include the Express Mail Label No. ER 059677689 US on the issue fee transmittal but does not include the Express Mail label number on the formal drawings or a cover sheet or a transmittal letter, which itemizes the formal drawings. As such, the submission of the formal drawings are not accorded the January 3, 2007 date, and the application is abandoned for failing to submit the formal drawings on or before January 3, 2007.

Petitioner may wish to consider filing a petition stating that the delay was unintentional. Public Law 97-247, § 3, 96 Stat. 317 (1982), which revised patent and trademark fees, amended 35 U.S.C. § 41(a)(7) to provide for the revival of an "unintentionally" abandoned application without a showing that the delay in prosecution or in late payment of the issue fee was "unavoidable." This amendment to 35 U.S.C. § 41(a)(7) has been implemented in 37 CFR 1.137(b). An "unintentional" petition under 37 CFR 1.137(b) must be accompanied by the \$1500 petition fee.

The filing of a petition under 37 CFR 1.137(b) cannot be intentionally delayed and therefore must be filed promptly. A person seeking revival due to unintentional delay cannot make a statement that the delay was unintentional unless the entire delay, including the date it was discovered that the application was abandoned until the filing of the petition to revive under 37 CFR 1.137(b), was unintentional. A statement that the delay was unintentional is not appropriate if petitioner intentionally delayed the filing of a petition for revival under 37 CFR 1.137(b).

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
 Commissioner for Patents
 P. O. Box 1450
 Alexandria, VA 22313-1450

By facsimile: (571) 273-8300
 Attn: Office of Petitions

By hand: U. S. Patent and Trademark Office
 Customer Service Window, Mail Stop Petitions
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

Telephone inquiries concerning this matter may be directed to Denise Pothier at (571) 272-4787.

A handwritten signature in black ink, appearing to read 'Brian Hearn', with a stylized flourish extending from the end.

Brian Hearn
Petitions Examiner
Office of Petitions

31

Notice of Allowability	Application No.		Applicant(s)	
	10/533,490		JARALLA, ABDULGHANI	
	Examiner		Art Unit	
	David A. Rogers		2856	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--
 All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to application filed 30 November 2005.
2. ☒ The allowed claim(s) is/are 1-18.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ol style="list-style-type: none"> 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date <u>7/14/08</u> 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | <ol style="list-style-type: none"> 5. <input type="checkbox"/> Notice of Informal Patent Application 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance 9. <input type="checkbox"/> Other _____ |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

DETAILED ACTION

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee. Authorization for this examiner's amendment was given in a telephone interview with Thomas Spath on 26 September 2006. The application has been amended as follows:

Replace Claims 1, 5, 8, and 9 with the following:

1. A rotational test electrode assembly for use in a corrosive fluid environment comprising:

a) a generally cylindrical heat and electrically conductive member having an annular portion, a solid portion, and mounting means for attaching a rotational electrode in close-fitting heat and electrically conductive relation, the electrode being selected from the group consisting of cylindrical and disk electrodes;

b) a heating device positioned inside of the annular portion and in heat exchanging relation with the solid portion of the conductive member;

c) a corrosion resistant external protective member that surrounds a portion of the heat conductive member in close-fitting relationship;

d) electrical terminal means for receiving a plurality of external electrical connectors that is mounted on the protective member opposite the portion of the conductive member on which the rotational electrode is mounted; and

e) driving means to rotate the rotational test electrode assembly.

5. The rotational test electrode assembly of claim 1 which further comprises mounting means proximate the electrical terminal means for coupling the assembly to the rotational drive means.

8. The rotational test electrode assembly of claim 1, wherein the protective member is formed from an electrically insulative polymer.

9. The rotational test electrode assembly of claim 8, wherein the polymer is selected from the group consisting of polytetrafluoroethylene, polyethylene, polypropylene, polyvinyl chloride, and copolymers thereof.

Drawings

2. The drawings filed on 28 April 2005 are acceptable subject to correction of the following: The drawings have numerous reference item numbers and labels that are not readable. The drawings show elements that cannot be easily seen; e.g., the thermistors. The drawings have numerous lines which are broken thus not clearly showing the various embodiments.
3. In order to avoid abandonment of this application, correction is required in reply to the Office action. The correction will not be held in abeyance.

Allowable Subject Matter

4. Claims 1-18 are allowed.
5. The following is an examiner's statement of reasons for allowance:

The prior art teaches several different types of corrodible test electrode assemblies. See, for example, United States Patents 2,519,323 to Shank *et al.*, 3,627,493 to Manley, and 5,006,786 to McKubre *et al.* Shank *et al.* discloses a rotating test assembly. However, there is no teaching or suggestion for providing a heat and electrically conductive portion having a solid portion, an annular portion, and mounting means. Shank *et al.* also does not disclose a heating device. McKubre *et al.* also teaches a rotating test assembly having an annular portion. However, like Shank *et al.*, there is no teaching or suggestion for rotating the test assembly. Manley discloses a static test assembly. While Manley discloses heating means inside an annular member there is no teaching or suggestion to rotate the test assembly.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should


preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David A. Rogers whose telephone number is (571) 272-2205. The examiner can normally be reached on Monday - Friday (0730 - 1600). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hezron E. Williams can be reached on (571) 272-2208. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

7. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


26 September 2006


HEZRON WILLIAMS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
www.uspto.gov

NOTICE OF ALLOWANCE AND FEE(S) DUE

7590 10/02/2006

Abelman Frayne & Schwab
150 East 42nd Street
New York, NY 10017-5612

EXAMINER

ROGERS, DAVID A

ART UNIT

PAPER NUMBER

2856

DATE MAILED: 10/02/2006

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/533,490	11/30/2005	Abdulghani Jaralla	206,973	4103

TITLE OF INVENTION: CORROSION TESTING APPARATUS

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1400	\$300	\$0	\$1700	01/02/2007

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. **PROSECUTION ON THE MERITS IS CLOSED.** THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN **THREE MONTHS** FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. **THIS STATUTORY PERIOD CANNOT BE EXTENDED.** SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail **Mail Stop ISSUE FEE**
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
or Fax (571)-273-2885

INSTRUCTIONS: This form should be used for transmitting the **ISSUE FEE** and **PUBLICATION FEE** (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

7590 10/02/2006

Abelman Frayne & Schwab
150 East 42nd Street
New York, NY 10017-5612

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/533,490	11/30/2005	Abdulghani Jaralla	206,973	4103

TITLE OF INVENTION: CORROSION TESTING APPARATUS

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1400	\$300	\$0	\$1700	01/02/2007

EXAMINER	ART UNIT	CLASS-SUBCLASS
ROGERS, DAVID A	2856	073-086000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
- ☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively,
- (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1 _____

2 _____

3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee
- ☐ Publication Fee (No small entity discount permitted)
- ☐ Advance Order - # of Copies _____

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims **SMALL ENTITY** status. See 37 CFR 1.27.
- ☐ b. Applicant is no longer claiming **SMALL ENTITY** status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____

Date _____

Typed or printed name _____

Registration No. _____

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.**

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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7590 10/02/2006

Abelman Frayne & Schwab
150 East 42nd Street
New York, NY 10017-5612

EXAMINER

ROGERS, DAVID A

ART UNIT	PAPER NUMBER
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2856

DATE MAILED: 10/02/2006

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 0 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 0 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.



ABELMAN, FRAYNE & SCHWAB

Attorneys at Law
666 Third Avenue
New York, New York 10017-5621

Telephone: (212) 949-9022
Facsimile: (212) 949-9190
e-mail@lawabel.com

January 3, 2007

Mail Stop Issue Fee

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir/Madam:

We enclose our check in payment of the issue fee on the following application.

APPLICANT: Jaralla, Abdulghani

CASE: 206,973

SERIAL NO.: 10/533,490

FILED: November 30, 2005

TITLE: CORROSION TESTING APPARATUS

ASSIGNED TO: Saudi Arabian Oil Company

ALLOWED: October 2, 2006

with 18 claims

ISSUE FEE DUE: January 2, 2007

AMOUNT: \$1700.00 (Incl. Pub. Fee)

PRIORITY: [X] Country: U.S. Appln. No. 60/427,136 Filed: November 18, 2002

SMALL ENTITY STATUS: NO

We await the receipt of the issue notification and the Letters Patent Document.

TES:so

Respectfully submitted,

Thomas E. Spath
Reg. No. 25,928

Enclosed Check No. 19961

*EXPRESS MAIL® Label No. ER059677689/US Date of
Deposited: January 3, 2007 This correspondence is being
Deposited with the United States Postal Service "Express Mail
Post Office to Addressee" service under 37 CFR § 1.10 on the
date indicated above and addressed to: Commissioner for Patents
P.O. Box 1450 Alexandria, VA 22313-1450

PART B - FEE(S) TRANSMITTAL

01-05-07

IFW
B

Complete and send this form, together with applicable fee(s), to: **Mail** Mail Stop ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
or **Fax** (571)-273-2885

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

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7590 10/02/2006

ABELMAN, FRAYNE & SCHWAB
Attorneys at Law
666 Third Avenue., 10th Floor
New York, NY 10017



Certificate of Mailing or Transmission
I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

Thomas E. Spath	(Depositor's name)
<i>Thomas E. Spath</i>	(Signature)
January 3, 2007	(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/533,490	11/30/2005	Abdulghani Jaralla	206,973	4103

TITLE OF INVENTION: CORROSION TESTING APPARATUS
01/08/2007 11:08:02 00000052 10533490

01 FC:1501 1400.00 OP
02 FC:1504 300.00 OP

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1400	\$300	\$0	\$1700	01/02/2007

EXAMINER	ART UNIT	CLASS-SUBCLASS
ROGERS, DAVID A	2856	073-086000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively,
(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1. ABELMAN, FRAYNE &
2. SCHWAB
3.

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

SAUDI ARABIAN OIL COMPANY

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Dhahran 31311, Saudi Arabia

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☒ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☒ Issue Fee
☒ Publication Fee (No small entity discount permitted)
☐ Advance Order - # of Copies _____

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

- ☒ A check is enclosed.
☐ Payment by credit card. Form PTO-2038 is attached.
☒ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number 01-0035 (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature *Thomas E. Spath*

Date January 3, 2007

Typed or printed name Thomas E. Spath

Registration No. 25,928

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.



Attorney Docket 206,973

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Jaralla, Abdulghani

SERIAL NO.: 10/533,490

FILED: November 30, 2005

TITLE: CORROSION TESTING APPARATUS

Group No.: 2856

Examiner: Rogers, David A.

Date: January 3, 2007

SUBMISSION OF FORMAL DRAWINGS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The above-identified application was filed with informal drawings. Applicant hereby encloses 4 sheets of formal drawings

The Patent Office is authorized to debit any expenses incurred to the Deposit Account No. 01-0035 of the undersigned.

Respectfully submitted,

Thomas E. Spath
Attorney for Applicants
Reg. No. 25,928

ABELMAN, FRAYNE & SCHWAB
666 Third Avenue, 10th Floor
New York, New York 10017-5621
(212) 949-9022

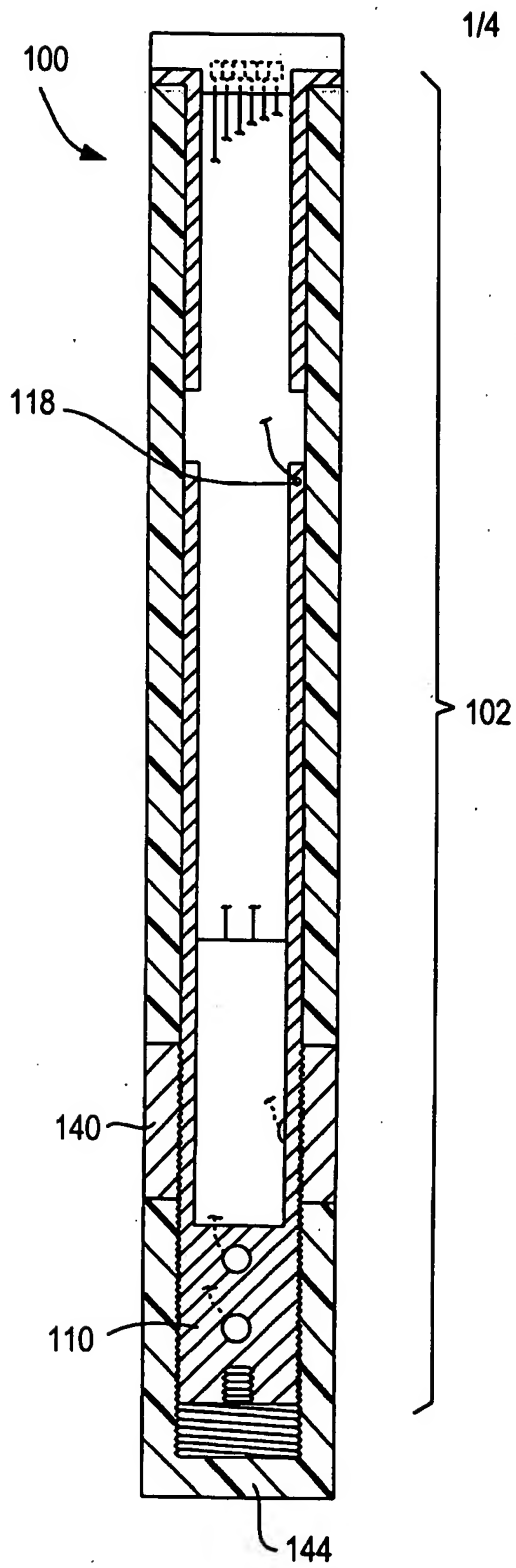


FIG. 1

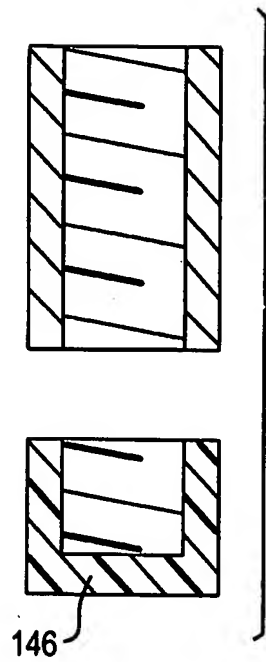


FIG. 1A

2/4

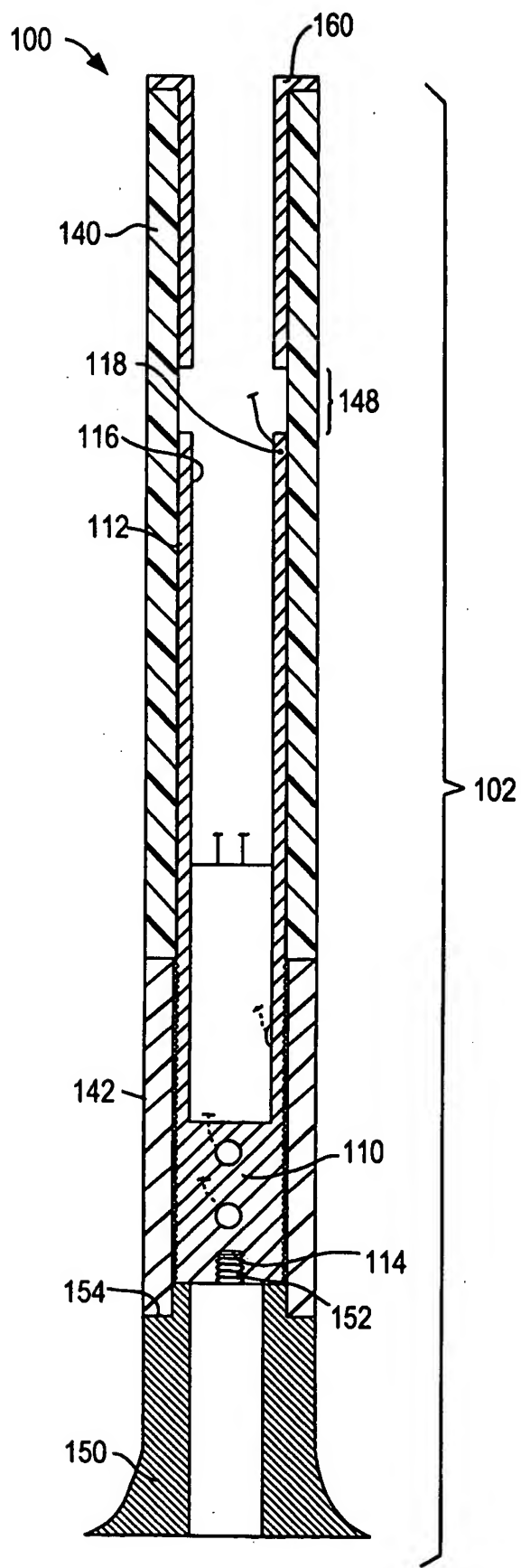


FIG. 2

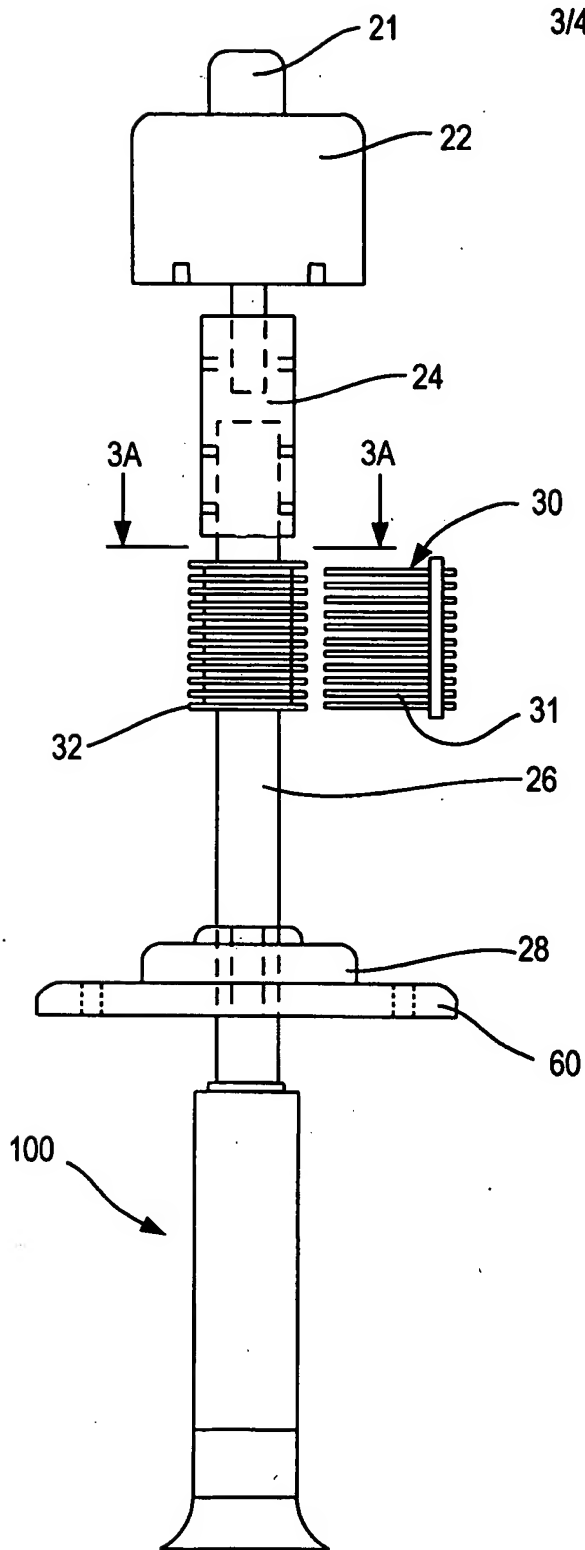


FIG. 3

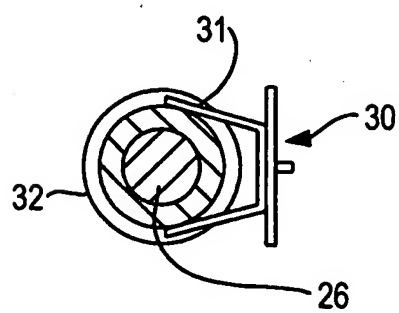


FIG. 3A

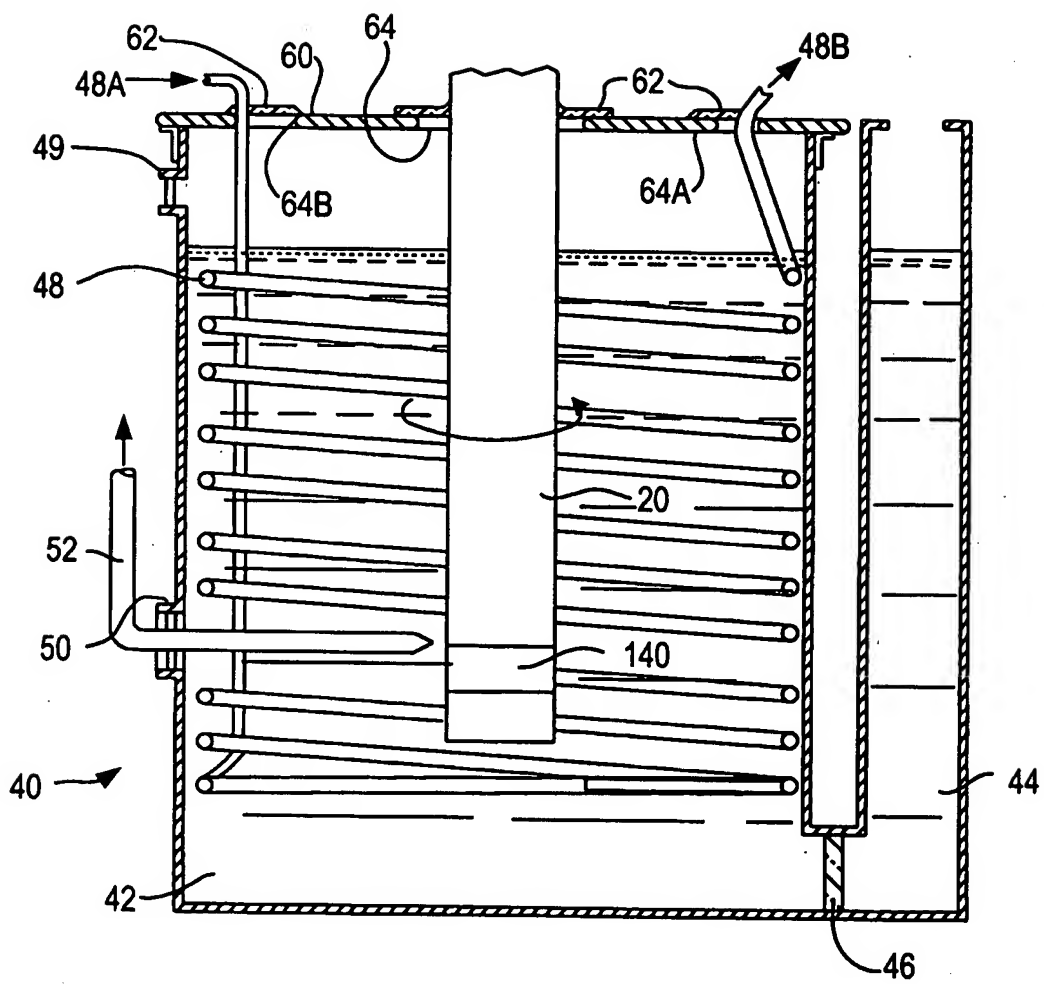


FIG. 4

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ATTORNEY DOCKET NO. 206,973

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: JARALI.A, Abdulghani Examiner: Rogers, David A.
Appl. No.: 10/533,490 Art Unit: 2856
Filing Date: November 30, 2005
Title: CORROSION TESTING APPARATUS

STATEMENT OF FILING BY TELEFACSIMILE

This correspondence is being transmitted to the Office of Petitions of the United States Patent Office on March 19, 2007 at 571 273-8300.

REQUEST FOR RECONSIDERATION

Mailstop - Petitions
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Date: March 19, 2007

Attention: Petitions/USPTO

Sir:

This is a request for reconsideration of the decision mailed March 12, 2007 dismissing the Petition Under 37 C.F.R. §1.10(c) to correct mail date of Issue Fee.

In support of this request, there is being submitted herewith copies of the following documents:

- 1) "Express Mail" Airwaybill no. ER059677689US clearly indicating the date of January 3, 2007 in the United States Postal Service round stamp; and
- 2) "Closing of the United States Patent and Trademark Office on Tuesday January 2, 2007", dated February 28, 2007 and signed by Jon W. Dudas, Undersecretary of Commerce for Intellectual Property, and confirming that any paper or fee due on Tuesday, January 2, 2007, will be considered as timely filed, if mailed on

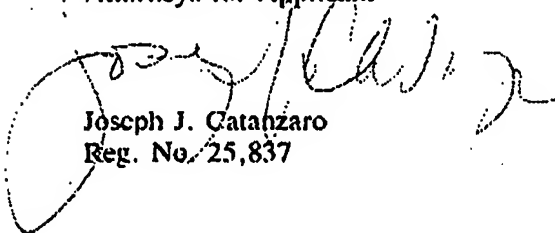
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MAR 19 2007

Wednesday, January 3, 2007.

Reconsideration is respectfully requested.

Respectfully submitted,

ABELMAN, FRAYNE & SCHWAB
Attorneys for Applicant


Joseph J. Catanzaro
Reg. No. 25,837

ABELMAN, FRAYNE & SCHWAB
666 Third Avenue
New York, New York 10017-5621
Tel: (212) 949-9022
Fax: (212) 949-9190

Enclosures: Copy of Express Mail Airwaybill No. ER059677689US,
Dated January 3, 2007
Closing of the United States Patent and Trademark Office
on Tuesday January 2, 2007"
Dated February 28, 2007

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MAR 19 2007


**Closing of the United States Patent and Trademark Office
on Tuesday, January 2, 2007**

In view of the official closing of the Federal Government offices in the Washington, D.C. metropolitan area, including the United States Patent and Trademark Office (USPTO), on Tuesday, January 2, 2007, the day proclaimed by President Bush as a National Day of Mourning, the United States Patent and Trademark Office will consider Tuesday, January 2, 2007, a "Federal holiday within the District of Columbia" under 35 U.S.C. § 21 and 37 C.F.R. §§ 1.6, 1.7, 1.9, 2.2(d), 2.195, and 2.196. Any action or fee due on Tuesday, January 2, 2007, will be considered as timely for the purposes of, e.g., 35 U.S.C. §§ 119, 120, 133 and 151, if the action is taken, or the fee is paid, on the next succeeding business day on which the USPTO was open, that is, Wednesday, January 3, 2007.

37 C.F.R. §§ 1.6(a)(2) and 2.195(a)(4) provide that correspondence deposited as Express Mail in accordance with 37 C.F.R. § 1.10 or 2.198 will be considered as filed on the date of deposit with the United States Postal Service (USPS). Thus, any paper or fee properly deposited in accordance with 37 C.F.R. § 1.10 or 2.198 with the Express Mail service of the USPS on Tuesday, January 2, 2007 (that is, as shown by a "date-in" of Tuesday, January 2, 2007, on the Express Mail mailing label) will be considered filed in the USPTO on its date of deposit in the Express Mail service of the USPS.

37 C.F.R. § 2.195(a)(2) provides that trademark-related correspondence transmitted electronically to the USPTO will be considered filed in the USPTO on the date the USPTO receives the electronic transmission. Thus, trademark-related correspondence transmitted electronically on Tuesday, January 2, 2007, will be considered filed in the USPTO on the date the USPTO received the electronic transmission. Correspondence successfully received by the USPTO through the patent Electronic Filing System will receive the date as indicated on the Acknowledgment Receipt.

2/28/07
Date



JON W. DUDAS
Under Secretary of Commerce for Intellectual Property and
Director of the United States Patent and Trademark Office



ER 059677609 US



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Label H-11 September 2002

Post Office To Addressee

ORIGIN (POSTAL USE ONLY)			
PO ZIP Code		Day of Delivery	
		<input type="checkbox"/> Next <input type="checkbox"/> Second <input type="checkbox"/>	
Date in		Postage	
Mo. Day Year		\$	
Time in		Return Receipt Fee	
<input type="checkbox"/> AM <input type="checkbox"/> PM		<input type="checkbox"/> 12 Noon <input type="checkbox"/> 3 PM	
Weight		<input type="checkbox"/> 1st Class <input type="checkbox"/> 2nd Day <input type="checkbox"/> 3rd Day	
Int'l Alpha Country Code DTH. CASH.		COD Fee Insurance Fee \$	
No Delivery		Total Postage & Fees	
<input type="checkbox"/> Weekend <input type="checkbox"/> Holiday		Acceptance Clerk Initials \$	

DELIVERY		STATUS (USE ONLY)		EMPLOYEE SIGNATURE	
Delivery Attempts		Time		Employee Signature	
Mrs.	REV	<input type="checkbox"/> AM	<input type="checkbox"/> PM	Employee Signature	
Emergency Action Not		Time		Employee Signature	
Mo.	Day	<input type="checkbox"/> AM	<input type="checkbox"/> PM	Employee Signature	
Delivery Date 2		Time		Employee Signature	
Mo.	Day	<input type="checkbox"/> AM	<input type="checkbox"/> PM	Employee Signature	

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PAYMENT BY ACCOUNT Expense Mgt Corporate Acct. No. 093347	<input type="checkbox"/> PAYMENT BY CREDIT CARD Card No. 0000000000000000 Exp. Date 00/00/00
Federal Agency Acct. No. 0000000000000000 Postal Service Acct. No. 0000000000000000	<input type="checkbox"/> ORDER BY MAIL Name 0000000000000000 Address 0000000000000000 City 0000000000000000 State 0000000000000000 Zip 0000000000000000
<input type="checkbox"/> NO DELIVERY We will deliver this copy <input type="checkbox"/> NO	<input type="checkbox"/> ORDER BY PHONE Name 0000000000000000 Address 0000000000000000 City 0000000000000000 State 0000000000000000 Zip 0000000000000000

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ABELMAN, FRAYNE & SCHWAB
666 Third Avenue
New York, New York 10017

TO: (PLEASE PRINT) _____ PHONE _____

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P.O. BOX 1450
ALEXANDRIA, VA 22313-1450

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PRESS HARD. You are making 3 copies.

ABELMAN, FRAYNE & SCHWAB

Attorneys at Law
666 Third Avenue
New York, New York 10017
Telephone: (212) 949-9022
Facsimile: (212) 949-9190
e-mail: law@abel.com

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JAN 16 2007

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ATTORNEY DOCKET NO. 206,973

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Juralla, Abdulghani

Examiner: Rogers, David A.

Appln. No.: 10/533,490

Art Unit: 2856

Filing Date: November 30, 2005

Title: CORROSION TESTING APPARATUS

STATEMENT OF FILING BY TELEFACSIMILE

This correspondence is being transmitted to the Office of Petitions of the United States Patent Office on at 571 273-8300.

PETITION UNDER 37 C.F.R. §1.10(c) TO CORRECT MAIL DATE OF ISSUE FEE

Mailstop - Petitions
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Date: January 15, 2007

Attention: Petitions-USPTO

Sir:

Applicant respectfully requests that the mailing date of the Issue Fee be corrected in the official records of the Patent Office to indicate that the correct mailing date of the submission of the Issue Fee for this application is: January 3, 2007

Evidence in support of this Petition is provided below.

BEST AVAILABLE COPYREMARKS

This paper was submitted to the USPTO via Express Mail on January 3, 2007. The Statement of Filing by Express Mail Pursuant to 37 C.F.R. §1.10 with the Express Mail No. ER059677689US was placed on the document and on a postcard receipt prior to the original mailing. Notwithstanding the foregoing, as shown by the attached true copy of our postcard receipt, the date stamped by the USPTO mailroom on the postcard is January 4, 2007.

The sealed Express Mail envelope was delivered by hand to a U.S. Postal Service office in New York City and the Express Mail Mailing Label was correctly completed with the date of deposit date-stamped by a U.S. Postal Service employee. In accordance with established procedure, the "Customer Copy" of the multi-part U.S. Postal Service Express Mail Label was returned to our firm.

Attached is a true copy of the "Express Mailing Label" for this submission showing the "date-in" entry of January 3, 2007 in the round stamp made by an employee of the U.S. Postal Service. Also attached is a letter dated October 24, 2006 from the United States Postal Service, providing an explanation of the "Date-in" postal procedures, and confirming that the date appearing in the round stamp is the actual date on which the submission was made to the Express Mail Service prior to the last scheduled pickup.

Accordingly, Applicant respectfully requests by this Petition that the mailing date accorded this application be corrected to read: January 3, 2007 on the USPTO records.

No fee is believed to be due in connection with this Petition. Please charge any fee(s) which may be due for filing this Petition and credit any overpayments to our Deposit Account No. 01-0035.

BEST AVAILABLE COPY

Respectfully submitted,

ABELMAN, FRAYNE & SCHWAB
Attorney for Applicant(s)

Thomas E. Spath
Thomas E. Spath
Reg. 25,928

ABELMAN, FRAYNE & SCHWAB
666 Third Avenue
New York, New York 10017-5621
Tel: (212) 949-9022
Fax: (212) 949-9190

Enclosures: Express Mail Mailing Label Dated ER059677689US
U.S. Postal Service Letter Dated October 24, 2006
Copy of filed postcard
Copy of stamped postcard

DIRECTOR OF THE U.S. PATENT
AND TRADEMARK OFFICEDate Stamp as acknowledgement
of receipt of:

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Applicant(s): JARALLA
Serial No.: 10/533,490
Control No.: 206,973

- 1) Cover letter
- 2) Issue fee transmittal
- 3) Sub. of formal drawings (4 pgs.)
- 4) Change of address
- 5) Postcard receipt
- 6) Check - \$ 1700.00 (large entry)

Check no. 19961Initials: TES/sm
Date Mailed: January 3, 2007

Express Mail No.: ER059677689US

ABELMAN, FRAYNE, & SCHWAB COMMISSIONER ACCOUNT 606 THIRD AVENUE NEW YORK, NY 10017		19961
DATE <u>01/03/07</u>		1-777-260
PAY TO THE ORDER OF	COMMISSIONER OF PATENTS AND TRADEMARK	\$ 1,700.00
THE SUM I 700 DOLLARS		DOLLARS
STERLING NATIONAL BANK 622 Third Avenue New York, NY 10017-6707		COMMISSIONER OF PATENTS AND TRADEMARK
FOR	R2038	<i>Shirley Berkofsky</i>
00199611		0811

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**DIRECTOR OF THE U.S. PATENT
AND TRADEMARK OFFICE**

Date Stamp as acknowledgement
of receipt of:

Applicant(s): JARALLA
Serial No.: 10/533,490
Control No.: 206.973



- 1) Cover letter
- 2) Issue fee transmittal
- 3) Sub. of formal drawings (4 pgs.)
- 4) Change of address
- 5) Postcard receipt
- 6) Check - \$ 1700.00 (large entity)

Check no. 9961

Initials: TFS/sa
Date Mailed: January 3, 2007

Express Mail No.: ER059677689US



ER 059677689 US



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Date In			<input type="checkbox"/> Home <input type="checkbox"/> Mailing		<input type="checkbox"/> Package	
Exp. Day Year			<input type="checkbox"/> 1st Class <input type="checkbox"/> 2nd		\$	
Town In			Military		Return Receipt Fee	
<input type="checkbox"/> AIA <input type="checkbox"/> PM			<input type="checkbox"/> 3rd Class <input type="checkbox"/> Sat Day			
Name			Int'l Air Mail Country Code		COD Fee Insurance Fee	
No. Qty.			Assured Package Charge (if applicable)		Total Postage & Fees	
<input type="checkbox"/> Registered <input type="checkbox"/> Insured					\$	

Delivery Attempt		Time	Employee Signature
Mn.	Day	<input type="checkbox"/> AM <input type="checkbox"/> PM	Employee Signature
Mn.	Day	<input type="checkbox"/> AM <input type="checkbox"/> PM	Employee Signature
Mn.	Day	<input type="checkbox"/> AM <input type="checkbox"/> PM	Employee Signature

CUSTOMER USE ONLY	
PAYMENT BY ACCOUNT Payable Mail Certificate Acct. No. 003347	<input type="checkbox"/> WAIVER OF SIGNATURE (Domestic Only) Additional merchandise items will be void if address or signature is requested. I wish delivery to be made without obtaining signature or address of addressee's agent or commercial enterprise purposes that originate from the ZIP+4® area location) and I authorize their delivery employee's signature overtake as valid proof of delivery.
Postage Payable Acct. No. at Postal Agency Act. No.	

☐ **NO DELIVERY** ☐ **WARRANTY** ☐ **History** ☐ **Customer Signature**

FROM: (PLEASE PRINT) PHONE () _____

ADDRESSEE, NAME & ADDRESS
666 Third Avenue
New York, New York 10017

TO: (PLEASE PRINT) _____ PHONE: _____
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P.O. BOX 1450
ALEXANDRIA, VA 22313-1450

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PRG83 HARD COPY PRINTING TROM



October 24, 2006

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Mr. Joseph J. Catanzaro
Abelman, Frayne, & Schwab
666 Third Avenue
New York, NY 10017

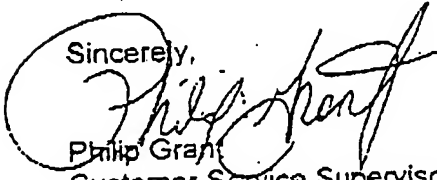
Philip Grant, Supv. Customer Service
U.S. Postal Service
Grand Central Station
New York, NY 10017

Re: Express Mail Processing procedure

Dear Mr. Catanzaro,

I am writing you this letter to confirm our conversation of today regarding the processing of your Express Mail. The date postmarked on your copy of the Express Mail receipt is our confirmation of receipt for that date, which is the "date-in" prior to the last scheduled pickup. The mail is then sent to our Express Mail processing unit where it is entered into the tracking system. If the Express Mail piece is received before the close of business on a particular day it may show a processing date of the next day in the tracking system. This should not be considered as the official "date-in" of receipt at the Post Office. The official "date-in" receipt is the date Postmarked in the round stamp on your customer copy. Please feel free to call me if you need any further assistance.

Sincerely,



Philip Grant
Customer Service Supervisor
Grand Central Station, New York
(212) 330-5790 - (after 2pm daily)

Pothier, Denise

From: U.S. Postal Service [U.S. Postal Service@usps.com]
Sent: Wednesday, May 30, 2007 1:39 PM
To: Pothier, Denise
Subject: U.S. Postal Service Track & Confirm email Restoration - ER05 9677 689U S

This is a post-only message. Please do not respond.

Denise P has requested that you receive this restoration information for Track & Confirm as listed below.

Current Track & Confirm e-mail information provided by the U.S. Postal Service.

Label Number: ER05 9677 689U S

Service Type: Express Mail - Post Office to Addressee

Shipment Activity	Location	Date & Time
Delivered	ALEXANDRIA VA 22313	01/05/07 9:33am
Arrival at Unit	DULLES VA 20102	01/05/07 7:43am
Enroute	NEW YORK NY 10199	01/04/07 5:38pm
Acceptance	NEW YORK NY 10199	01/04/07 1:37pm

USPS has not verified the validity of any email addresses submitted via its online Track & Confirm tool.

For more information, or if you have additional questions on Track & Confirm services and features, please visit the Frequently Asked Questions (FAQs) section of our Track & Confirm site at
<http://www.usps.com/shipping/trackandconfirmfaqs.htm>



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

ABELMAN, FRAYNE & SCHWAB
666 Third Ave., 10th Floor
New York NY 10017-5621

COPY MAILED

MAR 12 2007

OFFICE OF PETITIONS

In re Application of

JARALLA

Application No. 10/533,490

Filed: April 28, 2005

Attorney Docket No. 206,973

DECISION DISMISSING

PETITION UNDER 37 CFR 1.10(c)

This is a decision on the petition filed January 16, 2007, which is properly treated as a petition under 37 CFR 1.10(c) requesting that the submission of the issue fee payment for the above-identified application be considered as filed on January 3, 2007, which is the "date-in" or other official USPS notation on the Express Mail Mailing Label, instead of the currently accorded filing date of January 4, 2007.

The petition is **DISMISSED**.

Any request for reconsideration of this decision should be filed within **TWO MONTHS** of the date of this decision in order to be considered timely (see 37 CFR 1.181(f)). No extensions of time pursuant to the provisions of 37 CFR 1.136 are permitted. If reconsideration is not requested within the time period specified above, this submission of the issue fee payment for the application will be referred to Office of Publications with the presently accorded filing date of January 4, 2007.

37 CFR 1.10(c) sets forth procedures for filing a petition to the Director for a filing date as of the date of deposit with the USPS, where there is a discrepancy between the filing date initially accorded by the Office and the "date in" entered by the USPS or other official USPS notation.

To be grantable, a petition must:

- (1) be filed promptly after the person becomes aware that the Office has accorded, or will accord, a filing date other than the USPS deposit date;
- (2) include a showing that the number of the "Express Mail" mailing label was placed on each piece of correspondence prior to the original mailing; and
- (3) include a true copy of the "Express Mail" mailing label showing the "date in" or other official notation by the USPS.

This petition lacks item (3) above.

Petitioner requests the filing date of January 3, 2007 on the basis that there is a discrepancy between the filing date the USPTO has currently accorded this application and the "date-in" or other official USPS notation on the "Express Mail" mailing label. The Remarks of the petition state, "[a]ttached is a true copy of the "Express Mailing Label" for this submission showing the "date-in" entry of January 3, 2007 in round stamp made by an employee of the U.S. Postal Service." Unfortunately, the copy of round stamp on the Express Mail mailing label supplied to the Office is illegible, and no date can be discerned.

Moreover even if the submission was granted a filing date of January 3, 2007, the above-identified application is abandoned. The application became abandoned for failure s to timely pay the issue and publication fees on or before January 2, 2007, as required by the Notice of Allowance and Fee(s) Due, mailed October 2, 2006, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on January 3, 2007.


Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
 Commissioner for Patents
 P. O. Box 1450
 Alexandria, VA 22313-1450

By facsimile: (571) 273-8300
 Attn: Office of Petitions

By hand: U. S. Patent and Trademark Office
 Customer Service Window, Mail Stop Petitions
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

Telephone inquiries concerning this matter may be directed to Denise Pothier at (571) 272-4787.


Frances Hicks
Lead Paralegal
Office of Petitions